

FLORIDA | Board of Speech-Language
Pathology and Audiology

Meeting Minutes

**February 1, 2019
9:00 a.m.**

**Wyndham Orlando Resort
8001 International Drive
Orlando, FL
(407) 355-3631**



Peter Johnson, PhD
Chair

Frederick Rahe, Au.D.
Vice-Chair

Kama Monroe
Executive Director

February 1, 2019, Board Meeting

The Meeting was called to order by Board vice-chair, Frederick Rahe at 9:02 a.m.

Present for all or part of the meeting, include:

MEMBERS PRESENT:

Frederick Rahe, Au.D., Vice-Chair
Sergio Guerreiro, Au.D.
Kristen Rutland, SLP
Sherry Jordan, Ed.S.
Paul Boyev, M.D.

BOARD STAFF PRESENT:

Kama Monroe, Executive Director
Carol Taylor, Program Office Administrator

MEMBERS ABSENT:

Peter Johnson, Au.D., Chair

BOARD COUNSEL:

Timothy Frizzell, Board counsel

COURT REPORTER:

American Court Reporting
(407) 896-1813
Cindy Green
Sue Gremontprez

Please note that the meeting minutes reflect the actual order that agenda items were discussed during the meeting and may differ from the agenda outline.

DISCIPLINARY CASES:

INFORMAL HEARING

TAB 1 – INF 1 – Darren Allen Kurtzer, Au.D., Case Number 2018-05060
Respondent was present. Respondent was not represented by an attorney.

Ms. Rutland was recused due to participation on the probable cause panel.

Respondent was charged with a one count administrative complaint for a violation of Section 468.1295(1)(bb), Florida Statutes, through a violation of 456.072(1)(a), Florida Statutes, by employing a trick or scheme in or related to the practice of a profession.

The Department was represented by Ms. Garrison who presented the facts of the case. Ms. Garrison stated the Respondent was employed as an audiologist between July and October 2017, during which time he ordered hearing aids for one or more patients. Respondent charged the cost of the hearing aids to the Respondent's employer. Respondent collected payment for the hearing aids using a personal credit card reader which deposited the funds to the Respondent's personal account. The Respondent did not reimburse his employer for the funds he collected.

On or about July 25, 2018, Respondent was served a copy of the Administrative Complaint via certified mail at his address of record with the Department of Health. The Respondent filed an Election of Rights or other responsive pleading which indicated the Respondent did not dispute the material facts alleged in the Administrative Complaint.

Action Taken: Motion by, Sergio Guerreiro, seconded by, Paul Boyev, to accept the Investigative Report as presented. Motion carried.

Action Taken: Motion by, Sergio Guerreiro, seconded by Paul Boyev, that the Respondent was properly served and requested an informal hearing. Motion carried.

Action Taken: Motion by, Sergio Guerreiro, seconded by, Paul Boyev, to accept the findings of fact as presented. Motion carried.

Action Taken: Motion by, Sergio Guerreiro, seconded by Paul Boyev, to accept the conclusions of law. Motion carried.

Respondent presented his statement.
Lengthy discussion ensued.

Ms. Garrison submitted the Department's disciplinary recommendations, which met the disciplinary guidelines for the offense in this matter.

After discussion: Motion by, Sergio Guerreiro, seconded by Paul Boyev, to accept the Department's recommendations with the exclusion of suspension of the Respondent's license, instead adding three years probation of the Respondent's license under indirect supervision. Summary of Discipline: Reprimand the Respondent's license; impose a five thousand (\$5,000) dollar fine to be paid within a year of the Final Order in this matter; three years of probation of the Respondent's license under indirect supervision by a licensed audiologist with quarterly reviews using standard language by both the monitor and the Respondent, appearance prior to termination of probation, and imposition of costs in the amount of one thousand five hundred fifty-two dollars and forty-six cents (\$1552.46).

Motion carried.

VOLUNTARY RELINQUISHMENTS

TAB 2 – VR 1 – Alina De La Paz, S.L.P., Case Number 2010-02057, 2012-14549

Respondent was not present.

Dr. Johnson was recused due to participation on the probable cause panel.

The Department requested that the Board entertain a Motion Accepting the Voluntary Relinquishment executed by Respondent in resolution of these cases.

Motion: by Sergio Guerreiro, seconded by, Paul Boyev, to accept the Voluntary Relinquishment. Motion carried.

REVIEW AND APPROVAL OF MINUTES

TAB 3 – October 17, 2018, Teleconference Meeting

Minutes of the October 17, 2018, Board Meeting were reviewed.

Motion: by Sergio Guerreiro, seconded by Paul Boyev, to approve the minutes. Motion carried.

PROSECUTION SERVICES REPORT – Rose Garrison, Esq.

TAB 4 – Prosecution Services Assistant General Counsel, Rose Garrison presented the prosecution services report to the board. Ms. Garrison reported that there are currently sixteen cases in the Speech Language Pathology & Audiology inventory. Seven cases are pending determination with the probable cause panel for February 6, 2019. Three cases are to be heard at this Board meeting, two of those are the second and third oldest cases in the inventory. The oldest case in the inventory is being prepared for referral to the Division of Administrative Hearings for the very near future. As always, the prosecutors are working hard to timely resolve all cases. Ms. Garrison requested the Board to entertain a motion to allow the Department to continue to prosecute all year or older cases.

Motion: by Sergio Guerreiro, seconded by, Paul Boyev, to allow PSU to continue prosecuting cases a year and older. Motion carried.

APPLICANTS

Speech-Language Pathology Assistant Application Review

TAB 5 – Barbara Estela Loyola Pacheco, File #3735

Applicant was not present. Applicant was not represented by counsel.

Action Taken: After discussion, Paul Boyev, moved to deny the application, Kristen Rutland, seconded the motion, which passed unanimously.

TAB 6 – Zoraida Santiesteban, File #4298

Applicant was present. Applicant was accompanied by translator, Gabrielle Hernandez. Applicant was not represented by counsel.

Action Taken: After discussion, Paul Boyev, moved to accept the application, Sergio Guerreiro, seconded the motion, which passed unanimously.

TAB 7 – Jael Aguilar, File #4001*Moved to the April Meeting**

This item was moved to the April 1, 2019, board meeting.

Provisional Speech-Language Pathologist Application Review

TAB 8 – Lizandra Marleys Garcia, File #9063

Applicant was present. Applicant was accompanied by a translator, Gabrielle Hernandez. Applicant was not represented by counsel.

Action Taken: After discussion, it was determined the applicant did not meet the requirement of 36 graduate credit hours in Speech-Language and Pathology. The evaluation does not show clearly that the applicant has the required graduate credit hours. Paul Boyev, moved to allow the applicant until the July board meeting to provide a syllabus clearly reflecting thirty-six graduate credit hours, Kristen Rutland, seconded the motion, which passed unanimously.

TAB 9 – Yudiel Curbelo, File #9199

Applicant was present. Applicant was not represented by counsel.

Action Taken: After discussion, Paul Boyev, moved to accept the application, Sergio Guerreiro, seconded the motion, which passed unanimously.

TAB 10 – Felicia Frohlich, File #9263

Applicant was present. Applicant was not represented by counsel.

Action Taken: After discussion, Paul Boyev, moved to accept the application, Sergio Guerreiro, seconded the motion, which passed unanimously.

Dr. Rahe requested a vote to include placement of the rule for provisional applications on the next agenda.

Paul Boyev moved, Sergio Guerreiro seconded the motion, to open rule development regarding provisional applications.

TAB 11 – Vivian Diaz Alvarez, File #8821

Applicant was present. Applicant was accompanied by a translator. Applicant was not represented by counsel.

Action Taken: After discussion, Paul Boyev, moved to accept the application, Kristen Rutland, seconded the motion, which passed unanimously.

TAB 12 – RATIFICATION OF LICENSES ISSUED 10.1.2018-12.30.2018

(a) 3001 - Speech-Language Pathologist

Motion: by Sergio Guerreiro, seconded by Paul Boyev, to approve ratification of license numbers 16658-168450 issued between 10/1/2018 and 12/30/2018. Motion carried.

(b) 3002 – Audiologist

Motion: by Sergio Guerreiro, seconded by Paul Boyev, to approve ratification of license numbers 2232-2247 issued between 10/1/2018 and 12/30/2018. Motion carried.

(c) 3003 - Speech-Language Pathology Assistant

Motion: by Sergio Guerreiro, seconded by Paul Boyev to approve ratification of license numbers 3801-3870 issued between 10/1/2018 and 12/30/2018. Motion carried.

(d) 3004 – Audiologist Assistant

Motion: by Sergio Guerreiro, seconded by Paul Boyev, to approve ratification of license numbers 316-324 issued between 10/1/2018 and 12/30/2018. Motion carried.

(e) 3005 - Provisional Speech-Language Pathologist

Motion: by Sergio Guerreiro, seconded by Paul Boyev, to approve ratification of license numbers 8879-8932 issued between 10/1/2018 and 12/30/2018. Motion carried.

(f) 3006 – Provisional Audiologist

Motion: by Sergio Guerreiro, seconded by Paul Boyev, to approve ratification of license number 761 issued between 10/1/2018 and 12/30/2018. Motion carried.

BOARD COUNSEL REPORT

TAB 13 – Rules Report

January 2019 Rules Report
December 2018 Rules Report
November 2018 Rules Report

Mr. Frizzell stated the rules reports were placed on the agenda for the board's review.

TAB 14 – Rule Discussion

64B20-6.002 Standards for Approval of Continuing Education Activities and Providers
64B20-6 Continuing Education

Mr. Frizzell stated the board voted to add the language, “the minimum course credit accepted for consideration is .5 continuing education hour or thirty minutes,” at the end of Rule 64B20-6.002(1)(h), Florida Administrative Code at the October 17, 2018, board meeting. Mr. Frizzell also noted that the board failed to vote on whether a SERC was required and whether violation of the rule would be considered a minor violation.

Action Taken: Motion by, Sergio Guerreiro, seconded by Paul Boyev, that there would not be an adverse impact on small business. Motion carried.

Action Taken: Motion by, Sergio Guerreiro, seconded by Paul Boyev, that the proposed changes for Rule 64B20-6.002(1)(h), F.A.C., will not make an adverse impact on small business and proposed changes would not directly or indirectly increase regulatory costs to any entity including government in excess of \$200,000.00 in aggregate in Florida within one year after the implementation of the rule. No SERC is needed and no legislative ratification is needed. Motion carried.

Action Taken: Motion by, Sergio Guerreiro, seconded by Paul Boyev, to find that a violation of Rule 64B20-6.002(1)(h), F.A.C. or any part of this rule would not be considered a minor violation. Motion carried.

TAB 15 – BOARD CHAIR REPORT – Dr. Johnson

Board chair, Peter Johnson was not in attendance. No report at this time.

EXECUTIVE DIRECTOR REPORT-Kama Monroe, J.D., Executive Director

TAB 17 – Delegation of Authority

Ms. Monroe informed board members that it is time for an updated delegation of authority. The delegation on the agenda is the one that was approved last year. She asked the board to review the delegation and noted that delegation of authority to deny an application is not included on the delegation as it is not a delegable action.

Action Taken: After discussion: Kristen Rutland, moved to approve the delegation, Sergio Guerreiro seconded the motion. Motion passed unanimously.

Dr. Guerreiro informed the board that he and Ms. Munson are working towards a second liaison tier in the application review process. He further noted that they are also looking into working with the independent companies to streamline the system.

TAB 16 – Standardized Application Update

TAB 18 – Discussion on Tabled Applications

Executive Director Kama Monroe presented Tabs 16 and 18 together.

Ms. Monroe reminded the board that the Department decided not to proceed with a standardized application, but instead will standardize the language on the applications. Ms. Monroe and Dr. Guerreiro worked together to create a draft of applications that are wholesale revisions. Ms. Monroe informed the board that the health history questions created by the health history workgroup are included on the draft applications.

The applications will be placed on the April 1, 2019, board meeting. Ms. Monroe asked that board members submit any recommendations.

Ms. Monroe noted that there has been some interest shown in the application process; therefore, at the April meeting in Tallahassee there will be a presentation on the complete application process. She noted that if any of the board members wish to see the process in person they are welcome to stop by the offices and a processor will show them how an application is processed using the test system.

Ms. Monroe asked that the board place a time certain on applications that are tabled for supplemental information.

BOARD LIAISON REPORTS

TAB 19 – Budget Liaison Report- No report at this time.

TAB 20 – Application – Dr. Rahe (AuD) & Dr. Johnson (SLP): Modifying applications was discussed during the Executive Director Report.

TAB 21 – Continuing Education – Dr. Guerreiro stated it is going well. He stated that he has reviewed several applications. He added that he has denied one or two due to lack of content. He asked for update on continuing education application requirements.

TAB 22 – Laws and Rules – Dr. Rahe (AuD) Dr. Rahe provided an update on the Ad Hoc Committee Teleconference Meeting. There is a second Ad Hoc Committee meeting scheduled for February 12, 2019. Dr. Rahe stated that FLASHA has now provided new verbiage for consideration and this item should appear on the April board agenda.

TAB 23 – Unlicensed Activity – Dr. Rahe (AuD) & Dr. Johnson (SLP): No report at this time.

TAB 24 – Healthy Weight –Ms. Rutland informed attendees that there were some materials on the tables outside the meeting room. She noted that there were even some recipes on the table. She encouraged everyone to help themselves.

TAB 25 - GENERAL DISCUSSION

Licensing Requirements

- a. 64B20-2 Requirements for Licensure
- b. 64B20-4 Assistants
- c. 468.1185 Licensure

Dr. Guerreiro tabled this item to the April board meeting.

There was no other general discussion.

TAB 26 - OLD BUSINESS

Patricia McCown, File 17702 Materials pulled from 10/17/2018 agenda

Applicant was present. Applicant was not represented by counsel.

Action Taken: After discussion, Paul Boyev, moved to accept the application, Sergio Guerreiro, seconded the motion, which passed unanimously.

TAB 27 - NEW BUSINESS

2020 Board Dates and Locations

Carol Taylor reviewed the proposed dates and locations with the board members, noting the following revisions:

January 24 th	<ol style="list-style-type: none">1. Kissimmee2. Orlando3. Altamonte Springs
April 24 th	<ol style="list-style-type: none">1. Vero Beach2. Boynton Beach3. Kissimmee
July 24 th	<ol style="list-style-type: none">1. Deerfield Beach2. Delray Beach3. Boca Raton
October 23 rd	<ol style="list-style-type: none">1. Tampa2. St. Petersburg3. Sarasota

Ms. Taylor also asked the board members if they would agree to move the October 18, 2018 meeting this year to November 1. An email will be sent requesting confirmation.

25. ADJOURN: Meeting adjourned at 2:08 p.m.

Next Meeting: April 1, 2019, Tallahassee